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Kenneth A. Nicoll

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MICHAEL CHAN

NCR CORPORATION

1700 SOUTH PATTERSON BLVD

DAYTON, OH 45479-0001

EXAMINER

MONFELDT, SARAH M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/891,920
Filing Date: June 26, 2001
Appellant(s): NICOLL ET AL.

Michael Chan
Reg. No. 33,663
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 29 October 2008 appealing from the Office action mailed 5 June 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. A call was made to Mr. Michael Chan by Vincent Millin on 25 November 2008 at 3:50 p.m. to confirm that only claim 1 is being appealed. Mr. Chan confirmed that claim 1 is the only claim on appeal as indicated in the Appeal Brief filed 29 October 2008.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,484,380	Graef et al.	11-2002
US 6,029,971	Lynch et al.	02-2000
US 3,961,784	Sevak et al.	06-1976

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Graef in view of Lynch et al (hereinafter Lynch, US 6,029,971) and further in view of Sevak et al. (US 3961784)

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Re Claim 1: Graef discloses a self-service terminal comprising:

- A plurality of separate media modules (see at least Fig 1, 44, 46, 48, 50; Column 7, lines 42-52)), each module operatively associated with a separate pick mechanism for picking media from the module (see at least Fig 1, 34, 36, 38, 40; Column 7, lines 26-41) and transferring the picked media to a media dispense path (see at least Column 7, lines 53-62), at least one a second one of the media modules being associated with a separate friction pick mechanism (See at least Fig 2 and description Column 8 line 39-Column 10 line 50; cites friction portions of picking mechanism)

In addition, Graef notes that ATMs can be used to dispense a variety of different medias including cash, tickets, scrip, vouchers or other documents (see at least Column 1, lines 18-35). Furthermore, Graef discloses that the modules may hold a variety of different types of documents in the same machine (see at least Column 7, lines 46-48).

Graef does not explicitly disclose at least a first one of the media modules being associated with a vacuum pick mechanism. Graef however discloses at col. 13, l. 64 through col. 14, l. 7 that the Graef picking mechanism may be readily retrofit to an

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existing automated banking machine. Moreover, this allows for replacing an existing picking member which does not include the features of the Graef picking mechanism and install the Graef picking mechanism in the existing picking mechanism's place. Graef therefore, teaches two different types of picking mechanisms within one unit. Lynch discloses that sheet feeding apparatus, such as the one disclosed by Graef "are commonly of either the vacuum pick or friction pick type," and depending on the type of media involved cites the advantages and disadvantages for each (see at least Column 1, lines 5-20). Some media as Lynch points out is better served with a friction mechanism (medias that need a high feed rate), while other media would be better served with a vacuum mechanism (high porous). Moreover, Sevak et al. discloses "a document feeder of an apertured friction feed belt and an apertured feed pulley for pickably feeding documents from a hopper into a document guideway, a vacuum chamber being stationaryly disposed within the feed to apply a low pressure vacuum to a linear section", please refer to col. 2, ll. 40-51 of Sevak et al. Thus, Sevak et al. discloses a vacuum pick and friction pick with in the same unit which provides a document feeder that will operate reliably and uniformly at speeds of from 300 to 600 inches per second, to thereby accommodate a reader sorter throughput rate of from 3000 to 5000 document per minute (see at least col. 2, ll. 23-28, 40-51).

Thus, it would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of Lynch and Sevak et al. to the disclosure of Graef so that an ATM containing multiple media types, can distribute the different types of media in the most efficient and practical way possible.

(10) Response to Argument

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Graef in view of Lynch et al (hereinafter Lynch, US 6,029,971) and further in view of Sevak et al. (US 3961784).

- Graef notes that ATMs can be used to dispense a variety of different medias including cash, tickets, scrip, vouchers or other documents (see at least

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Column 1, lines 18-35). Furthermore, Graef discloses that the modules may hold a variety of different types of documents in the same machine (see at least Column 7, lines 46-48).

- Graef does not explicitly disclose at least a first one of the media modules being associated with a vacuum pick mechanism. Graef however discloses at col. 13, l. 64 through col. 14, l. 7 that the Graef picking mechanism may be readily retrofit to an existing automated banking machine. Moreover, this allows for replacing an existing picking member which does not include the features of the Graef picking mechanism and install the Graef picking mechanism in the existing picking mechanism's place. Graef therefore, teaches two different types of picking mechanisms within one unit.
- Lynch discloses that sheet feeding apparatus, such as the one disclosed by Graef "are commonly of either the vacuum pick or friction pick type," and depending on the type of media involved cites the advantages and disadvantages for each (see at least Column 1, lines 5-20). Some media as Lynch points out is better served with a friction mechanism (medias that need a high feed rate), while other media would be better served with a vacuum mechanism (high porous).
- Sevak et al. discloses "a document feeder of an apertured friction feed belt and an apertured feed pulley for pickably feeding documents from a hopper into a document guideway, a vacuum chamber being stationaryly disposed within the feed to apply a low pressure vacuum to a linear section", please refer to col. 2, ll. 40-51 of Sevak et al. Thus, Sevak et al. discloses a vacuum pick and friction pick within the same unit which provides a document feeder that will operate reliably and uniformly at speeds of from 300 to 600 inches per second, to

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thereby accommodate a reader sorter throughput rate of from 3000 to 5000 document per minute (see at least col. 2, ll. 23-28, 40-51).

Thus, it would have been obvious to anyone of ordinary skill at the time of invention to include the teachings of Lynch and Sevak et al. to the disclosure of Graef so that an ATM containing multiple media types, can distribute the different types of media in the most efficient and practical way possible.

It would have also been obvious to one of ordinary skill in the art at the time of the invention to include (A) sheet feeding apparatuses which are commonly of either the vacuum pick or friction pick type, depending on the type of media involved, since there are advantages and disadvantages for each of the vacuum pick and friction pick types (see at least Column 1, lines 5-20 of Lynch), plus some media as Lynch points out is better served with a friction mechanism (medias that need a high feed rate), while other media would be better served with a vacuum mechanism (high porous) as taught by Lynch and/or (2) a mechanism that includes friction and vacuum pressure, i.e. "a document feeder of an apertured friction feed belt and an apertured feed pulley for pickably feeding documents from a hopper into a document guideway, a vacuum chamber being stationaryly disposed within the feed to apply a low pressure vacuum to a linear section" as taught by Sevak in the system of Graef, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable and since Graef recognizes that ATMs can be used to dispense a variety of different medias including cash, tickets, scrip, vouchers or other documents (see at least Column 1, lines 18-35 of Graef).

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

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are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Please also note that the claims are not further limited by structural differences with the references of record when taken in combination and as presented in at least the Office Actions dated 12 October 2007, 28 November 2007, 5 June 2008.

Moreover, the recitation of “separate” is an obvious modification of the Prior Art. Making something “separable” or “removable” involves only routine skill in the art and has not patentable significance unless a new and unexpected result is produced.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sarah M. Monfeldt/
Patent Examiner, AU 3692
571-270-1833
4 December 2008

Conferees:

Kambiz Abdi /K. A./
Supervisory Patent Examiner, Art Unit 3692

/Vincent Millin/
Appeals Practice Specialist